

S.B.Cr.Misc. II Bail App. No. 4835/2007
(Babloo Swami Vs. State of Rajasthan)

Date of order : 27/11/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Kalu Ram Bhati for the petitioner.

Mr. Ashok Upadhyay, Public Prosecutor.

This is second bail application.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and challan papers.

It is contended by learned counsel for the petitioner that after rejecting the earlier bail application, as many as four witnesses have been examined. Injured Jaspal has been examined as PW-4. Learned counsel for the petitioner submits that injured categorically stated in his statement that Gurdeep took a sword from the petitioner and inflicted a head injury to him. "(गुरदीप ने बबलु से तलवार लेकर मेरे सिर में मारी)". He further stated that Sonu Dhobi also inflicted injury on his skull. According to learned counsel for the petitioner there is only single injury on the skull which has specifically been assigned to Gurdeep who has been granted bail by a Co-ordinate Bench of this Court on 13.7.2007 and other co-accused Sonu Dhobi, Sushil Kumar, Amit and Puran Ram have already been granted bail.

Having regard to the facts and circumstances of the case and the fact that similarly situated co-accused Gurdeep has been granted

bail, having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Babloo Swami S/o Shri Banshi Lal be released on bail in FIR No. 73/2007, P.S. Raisinghnagar, provided he executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP